CAP. XLII.

An Act to confirm the Incorporation of certain Boroughs, and to provide for the Payment of the Expenses of the Incorporation of new Boroughs. [29th *July* 1850.]

'WHEREAS Charters of Incorporation have been lately granted to the Boroughs of *Halifax*, *Oldham*, and *Tynemouth*, to extend over certain Districts mentioned in such Charters respectively, and Doubts have arisen respecting the Validity of the said Charters: And whereas it is expedient that such Doubts should be removed:' Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several Charters of Incorporation, and all Elections, Acts, or Proceedings done or had in pursuance thereof, or by virtue of the same, before the passing of this Act, shall be deemed good and lawful from the Time of such several Grants, Elections, Acts, and Proceedings respectively, and that the Costs and Expenses of such Charters, Elections, Acts, and Proceedings respectively shall and may be paid out of any Borough Rate or Borough Rates levied or to be levied within the said several Boroughs; and all Payments which have been made out of any Borough Rate or Borough Rates for the said Borough respectively in respect of such Costs and Expenses shall be deemed to have been good Payments.

Certain Charters of Incorporation and the Proceedings thereunder confirmed.

II. And be it enacted, That the Districts set forth in the said several Charters as those intended to be comprised in such Charters respectively shall be deemed and taken to be the Extent of such Municipal Boroughs respectively.

Districts set forth to be deemed the Extent of Municipal Boroughs.

III. And be it enacted, That when any Charter of Incorporation shall hereafter be granted by Her Majesty to any Town or Borough in *England* or *Wales*, in pursuance of the Provisions of an Act made and passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or of any Act or Acts which have been or may be passed to amend the same, it shall be lawful for the Council of such Town or Borough to pay the Costs and Expenses of and in relation to such Charter of Incorporation, and of and in relation to all Elections, Acts, and Proceedings under the same, out of any Borough Rate or Borough Rates to be made for such Town or Borough.

In case of future Charters, the Costs and Expenses may be paid out of the Borough Rate. 5 & 6 W. 4. c. 76.

CAP. XLIII.

An Act to amend the Practice and Proceedings of the Court of Chancery of the County Palatine of *Lancaster*. [29th *July* 1850.]

'WHEREAS the Court of Chancery of the County Palatine of *Lancaster* is an ancient Court, and has been found greatly beneficial to the Inhabitants of the said County Palatine; and it is expedient, in order to extend the Advantages of the said Court, that certain Alterations and Improvements should be effected in the Jurisdiction, Practice, and Proceedings thereof: And whereas the Queen's most Excellent Majesty has been graciously pleased to sanction such Alterations and Improvements, notwithstanding that the same may affect Her Prerogatives and Rights as Duchess of *Lancaster*, or may create a Charge upon the Revenues of the said Duchy:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful, from and after the passing of this Act, for the Chancellor of the Duchy and County Palatine of *Lancaster* for the Time being, with the Advice and Consent of the Vice Chancellor of the said County Palatine for the Time being, and of One of the Vice Chancellors of the High Court of Chancery, to be named for that Purpose, by Writing under the Hand

Power to the Chancellor, with the Advice and Consent of the Vice Chancellor of the Duchy of Lan-

caster, and One of the Vice Chancellors of the High Court of Chancery, to make Alterations in Forms and Mode of Proceedings.

Hand of the Lord High Chancellor or other Officer having the Custody of the Great Seal, or (if more than One) of the Chief Commissioner or Officer having such Custody, by any Rules or Orders to be by him from Time to Time made with such Advice and Consent as aforesaid, to make such Alterations as may seem to him expedient in the Form of Writs and Commissions, and the Mode of sealing, issuing, executing, and returning the same, and also in the Form of and Mode of filing Bills, Answers, Depositions, Affidavits, and other Proceedings, and in the Form or Mode of obtaining Discovery, by Answer in Writing or otherwise, and in the Form or Mode of pleading and of taking Evidence, and generally of proceeding to obtain Relief in the Court of Chancery of the said County Palatine, and in the general Practice of the Court, and also in the Form and Mode of proceeding before the Registrar of the said Court, and of drawing up and entering and enrolling Orders and Decrees, and of making and delivering Copies of Pleadings and other Proceedings, and also to regulate the Taxation, Allowance, and Payment of Costs, and all other the Business of the said Court; and all such Rules and Orders shall be binding from such Time as the said Chancellor, with such Advice and Consent as aforesaid, shall thereby direct, and shall have the same Force and Authority as if the same had been enacted by the Authority of Parliament: Provided always, that all such Rules and Regulations shall be laid before both Houses of Parliament within Five Days from the issuing thereof, if Parliament be then sitting, or, if not, then within Five Days from the next Meeting of Parliament: Provided also, that if either House of Parliament shall, by any Resolution passed before such House shall have sat Thirty-six Days from and after the said Orders and Regulations shall have been laid before it, resolve that the same or any Part thereof ought not to continue in force, then and in any such Case the Orders and Regulations affected by such Resolution shall cease to be binding on the said Court; and no Orders or Regulations to be made in pursuance of this Act shall be of any Effect unless expressed to be made in pursuance of the Power given by this Act, nor shall the same continue in effect after the Expiration of the Time herein provided for laying the same before Parliament, unless they be laid before Parliament accordingly.

Power to adopt and modify any Rules and Orders made or to be made by the High Court of Chancery.

II. Provided always, and be it enacted, That whenever, by or under the Authority of any Act of Parliament, passed or to be passed, or by any General Order of the High Court of Chancery, any Rules, Orders, or Regulations already have been or hereafter shall be made for the Purpose of framing, regulating, or amending the Proceedings, Practice, or Pleadings of the said High Court of Chancery, it shall be lawful for the Chancellor of the Duchy and County Palatine of *Lancaster*, with the Consent and Advice of the Vice Chancellor of the said County Palatine, and of such Vice Chancellor of the High Court of Chancery as aforesaid, by Rules or Orders to be made in that Behalf, to adopt all or any of such Rules, Orders, or Regulations, or any Part or Parts thereof, with such Variations therein or Additions thereto as may be necessary or proper for adapting the same to the Business and Mode of proceeding of the Court of Chancery of the County Palatine; and such last-mentioned Rules and Orders, if expressed to be made in pursuance of the Authority of this Act, shall be valid and binding from the making and issuing thereof, or such other Time as shall be therein mentioned.

Not to abridge Power of the Chancellor and Vice Chancellor to alter the Practice of the Court, except so far as may be inconsistent with the Provisions of this Act.

III. Provided always, and be it enacted, That nothing herein contained shall extend to take away or abridge the Power heretofore possessed by the Chancellor of the Duchy and County Palatine of *Lancaster* and the Vice Chancellor of the said County Palatine, or either of them, of settling, altering, and amending the Practice and Course of proceeding in the said Court of the County Palatine, but such Power shall, notwithstanding anything herein contained, continue and have the same Force and Effect as if this Act had not been passed, save and except so far as the Exercise of such Power may in any respect be repugnant to or inconsistent with the Provisions herein contained, and save also that neither the said Chancellor nor Vice Chancellor alone shall alter or vary any Order made by the said Chancellor, with such Advice and Consent as aforesaid.

Power to the Chancellor of the Duchy to regulate Fees.

IV. And be it enacted, That the Chancellor of the Duchy and County Palatine of *Lancaster* for the Time being, by and with the Advice and Consent of the Vice Chancellor of the said County Palatine for the Time, shall have full Power and Authority, by any General

General Orders to be from Time to Time made after this Act shall take effect, to make such Regulations as to the Fees to be paid by Suitors, or to be charged by or allowed to all or any of the Officers of the said County Palatine, and by or to the Solicitors thereof, as to him may seem expedient, and to alter the same, with such Advice and Consent as aforesaid, when and as he may think fit.

A List of Fees authorized to be taken to be hung up in Registrar's Office; and Officers of the Court taking Fees not authorized to be deemed guilty of a Contempt of Court.

V. And be it enacted, That a Table of all Fees for the Time being authorized by the said Chancellor and Vice Chancellor of the said County Palatine to be taken by any Officer of the said County Palatine Court, or by any Solicitor practising in the said Court, for Business done therein, shall be hung up in some conspicuous Place in the Office of the Registrar of the said Court; and that if any Officer of the Court shall, for anything done or pretended to be done relating to his Office or Employment, or under colour of doing anything relating to his Office or Employment, wilfully demand or receive, or allow any Person to receive for him or on his Account, any Fee, Gratuity, or Emolument, or anything of Value, other than what shall be allowed to be taken by him as aforesaid, the Person so offending shall be deemed guilty of a Contempt of Court, and shall be punishable, according to the Discretion of the said Court, as for a Contempt.

Registrars to hear and determine certain interlocutory Matters.

VI. And be it enacted, That the Registrar of the said County Palatine Court shall hear and determine all Applications for Time to plead, answer, or demur, and for Leave to amend Bills, and for enlarging Publication, and all such other Matters relating to the Conduct of Suits and Proceedings in the said Court as the Chancellor of the Duchy and County Palatine of *Lancaster*, with the Advice and Consent of the Vice Chancellor of the said County Palatine, shall by any General Orders from Time to Time direct, in such Manner and subject to such Regulations as by such General Orders shall be directed.

Subject to Appeal to the Vice Chancellor.

VII. And be it enacted, That it shall be lawful for either Party to appeal, by Motion, from the Order made by the Registrar on such Applications as aforesaid, to the Vice Chancellor of the said County Palatine, and that the Order made on such Appeal shall be final and conclusive, and that no such Application directed to be heard and determined by the Registrar as aforesaid shall in future be heard by the Chancellor of the Duchy and County Palatine aforesaid, nor shall any such Application be heard by the Vice Chancellor of the said County Palatine, except on Appeal as herein-before provided.

Costs on interlocutory Matters.

VIII. And be it enacted, That it shall be lawful for the said Registrar, on all Applications made to him by virtue of this Act, to direct that the Costs of all or any of the Parties shall be Costs in the Cause or Matter, or to award such liquidated Sum by way of Costs to any of the Parties as he shall think reasonable, and the Costs so to be awarded shall be recoverable in like Manner as Costs directed to be paid by an Order of the said County Palatine Court.

Power to Registrar to assign Guardians to infant Defendants or Persons of unsound Mind.

IX. And be it enacted, That in every Case where an Infant or Person of unsound Mind, not found to be a Lunatic by any Inquisition, shall be named as Defendant in any Suit in the said County Palatine Court, it shall be lawful for the Registrar of the said Court to assign a Guardian to such Defendant, for the Purpose of putting in the Answer and defending such Suit, and to make and sign his Certificate thereof.

Special Cases may be submitted to the Court for its Opinion.

X. And be it enacted, That if any Persons shall be desirous of obtaining the Opinion of the Court on the Construction of a Deed, Will, or other Instrument, or on any other Matter in dispute over which the Court may have Jurisdiction, by virtue of this Act or otherwise, it shall be lawful for such Persons to present a Petition to the Court, stating the Facts of the Case, the Draft of which shall be signed by Counsel, and the Name of such Counsel shall appear on the Petition, as signing the same on behalf of the Parties thereto, and the Court on hearing such Petition may make such Declaration of Rights in respect of the Subject Matter thereof as to the Court shall seem proper, and such Declaration shall be binding on all Persons in the same Manner and to the same Extent, and subject to Appeal in the same Manner, as a Decree made on the Hearing of a Cause in which any One or more of the Parties to the Petition could be Plaintiffs and the other Parties or Party Defendants, and in which the Facts stated in the Petition had been proved: Provided always, that in case any Infant, Lunatic, or Person of unsound Mind, or any married Woman in respect of her

Real Estate, or of any reversionary Interest in Personal Estate, shall be interested in the Matter of such Petition, he or she shall not be made a Party thereto unless and until the Case to be stated in such Petition shall have been submitted to the Registrar, and shall be certified by him to be correctly stated as to the Facts, and to be a proper Case to be submitted to the Court on the Behalf of the Party under such Disability as aforesaid; and the Registrar, before granting such Certificate, shall require such Facts to be verified by Affidavit, and shall also require the Assent to such Case of the Husband of any married Woman, and of the Committee of any Lunatic, and of the Guardian *ad litem* of any Infant or Person of unsound Mind, which Guardian may be appointed in the same Manner as in the Case of a Party Defendant to a Suit.

Court may exercise summary Jurisdiction, so far as regards Persons, &c. within the same, as exercised by High Court of Chancery.

XI. And be it enacted, That when under or by virtue of any Act of Parliament already made and passed or which may hereafter be made and passed, or by any Orders or Regulations made in pursuance thereof, Application is authorized or allowed to be made by Petition or Motion or otherwise to the High Court of Chancery or any Judge of the said Court, and summary Jurisdiction to be exercised thereon, (unless in any Act of Parliament to be hereafter passed the contrary be expressly enacted,) it shall be lawful for the Court of Chancery of the said County Palatine, so far only as regards all Persons and Property within its Jurisdiction, to exercise the like summary Jurisdiction, and in the same Manner, and subject to the same Restrictions, in all respects as the said High Court of Chancery or any Judge thereof might exercise in the like Matters.

Money paid into Court under 8 & 9 Vict. c. 18. for Lands within the County Palatine, and under 10 & 11 Vict. c. 96., may be paid into the Bank of England, to the joint Account of the Clerk and Registrar.

XII. And be it enacted, That all Monies payable in respect of Lands situate within the said County Palatine, and which are authorized to be paid into or deposited in the Bank of *England* to the Account of the Accountant General of the High Court of Chancery, under and by virtue of the "Lands Clauses Consolidation Act, 1845," or any Local or Special Act passed or to be passed incorporating the Provisions of the said last-mentioned Act, or otherwise authorizing the taking or using of Lands situate in the said County Palatine, and also that all Monies or Securities held by any Party who might be sued in the Court of Chancery of the said County Palatine in respect thereof, and which under and by virtue of an Act made and passed in the Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act for better securing Trust Funds, and for the Relief of Trustees*, might be in like Manner paid or transferred into or deposited in the Bank of *England*, to the Account of the said Accountant General, may, from and after the passing of this Act, be in like Manner paid or transferred into or deposited in the Bank of *England*, to the joint Account of the Clerk of the Council of the Duchy of *Lancaster* and of the Registrar and Comptroller of the said County Palatine Court in the Matter in respect whereof such Payment, Transfer, or Deposit shall be made, and the Receipt of one of the Cashiers of the said Bank shall be a full Discharge to the Person paying or transferring or depositing the same; and such Monies and Securities, and all Costs of Application in respect thereof, shall be dealt with by the said Court of Chancery of the County Palatine in the same Manner as the same might be dealt with by the High Court of Chancery or by the Lord High Chancellor, or any of the Judges of the said High Court, if such Monies or Securities had been paid or transferred into or deposited in the Bank of *England* to the Credit of the Accountant General of that Court; and the Lands in respect of which such Payment, Transfer, or Deposit shall be made may be dealt with in the same Manner as if it had been made in manner prescribed by the Lands Clauses Consolidation Act: Provided always, that no Monies shall be so paid or deposited under or by virtue of the "Lands Clauses Consolidation Act, 1845," or any Local or Special Act as aforesaid, in case the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Monies shall be payable, or his or her Guardian or Committee in case of Infancy or Lunacy, shall at any Time before such Payment or Deposit serve or cause to be served a Notice in Writing at the Office of the Company taking the Lands, requesting them not to make the Payment or Deposit.

Power to the Vice Chancellor, when out of the Limits of

XIII. And be it enacted, That in all Matters over which the said Court of the said County Palatine may have Jurisdiction it shall be lawful for the Vice Chancellor for the Time being of the said County Palatine, when out of the Limits of the Jurisdiction of the said

said Court, to hear and determine all Pleas, Demurrers, Exceptions, Applications for Injunctions, both upon Notice and *ex parte*, for dissolving Injunctions for the Appointment of Receivers, for the Payment of Money into and out of Court, or for confirming Reports, and all Motions, Petitions, and other Matters for facilitating the Progress of any Suit or Business pending in the said Court which he might lawfully hear and determine within the Limits of the Jurisdiction thereof; and all Orders made by him upon the hearing of any Pleas, Demurrers, Exceptions, and Applications as aforesaid shall be as valid and binding upon the Parties as if the same had been made within the Limits of the Jurisdiction of the said Court.

the Jurisdiction of the Court, to hear and determine Pleas, Demurrers, and other interlocutory Matters. Orders made upon hearing valid.

XIV. And be it enacted, That in all Cases where any Person who shall have commenced any Suit or other Proceeding, or entered an Appearance in any Suit or Proceeding, in the said Court of the County Palatine, or shall have come in as a Creditor, Claimant, or Purchaser, or otherwise submitted to the Jurisdiction of the said Court, cannot, by reason either of his Person or Goods being out of such Jurisdiction, be made amenable to the Process of such Court, and also in all Cases where any such Person as aforesaid shall have died, or become bankrupt or insolvent, and his Real or Personal Representatives, or the Assignees of his Estate and Effects, (as the Case may be,) or any of them, who may be necessary Parties to the Continuance of the said Suit or Proceeding, shall be out of the Jurisdiction of the said Court, it shall be lawful for the Vice Chancellor of the said County Palatine, upon special Application being made to him, whether within or without the said County, by any Party to or Person interested in such Suit or Proceeding, founded upon an Affidavit verifying the Facts of the Case, to order and direct that Service of any Order, Notice, Subpœna, Letter Missive, or other Process shall be made and be deemed good Service upon any such Person, Real or Personal Representative, or Assignee as aforesaid, at any Place within the United Kingdom of *Great Britain* and *Ireland* or the *Isle of Man*, upon such Terms and in such Manner as to the said Vice Chancellor shall seem reasonable and proper, and afterwards, if it shall be necessary, upon an Affidavit of such Service had, to order an Appearance to be entered for the Person so served; and thereupon it shall be lawful for the said County Palatine Court to make such Decree or Order consequent upon such Service so made as aforesaid as before the passing of this Act, or under the Provisions of this Act, might have been made in case such Service as aforesaid had been duly made within the Jurisdiction of the said Court.

Power to the Vice Chancellor, in certain Cases, to direct Process to be served upon Persons out of the Jurisdiction of the Court.

XV. And be it enacted, That whenever a Plaintiff or Defendant in any Suit or Proceeding in which a Decree or Order shall have been made by the said County Palatine Court shall reside or withdraw his Person or Goods out of the Jurisdiction of the said Court, and also whenever any Decree or Order of the same Court cannot be fully enforced by reason of the Nonresidence of any Party to be bound thereby within the Jurisdiction of the said Court, then and in every such Case it shall be lawful for Her Majesty's High Court of Chancery, upon the Application of any Person entitled to the Benefit of such Decree or Order, and upon the Production of a Transcript of such Decree or Order, or such Part thereof respectively as cannot be enforced for the Reasons aforesaid, under the Signature of the Registrar of the said County Palatine Court, and an Affidavit that by reason of such Nonresidence or Removal as aforesaid such Decree or Order, or such Part thereof as aforesaid, cannot be enforced, to make such Decree or Order, or so much thereof respectively as cannot be enforced for any of the Reasons aforesaid, a Decree or Order of the said High Court of Chancery, and thereupon such Decree or Order, or such Part thereof respectively as aforesaid, shall and may be enforced against such of the Parties bound by the same as shall be within the Jurisdiction of the said High Court of Chancery, and all Proceedings shall and may be had thereupon as if such Decree or Order had been originally made by the said High Court of Chancery, and all the reasonable Costs and Charges of and consequent upon such Application shall and may be recovered in like Manner as if the same were Part of such Decree or Order.

Where Decree or Order cannot be enforced by reason of the Party to be bound thereby not being within the Jurisdiction, it shall be enforced by making it an Order of the High Court of Chancery.

XVI. And be it enacted, That from and after the Commencement of this Act no Petition of Rehearing by way of Appeal from any Decree or Order made by the Vice Chancellor for the Time being of the said County Palatine shall be presented but within the Space

No Petition of Appeal to be presented but within Six

Months after Date of Decree or Order appealed from.

Space of Six Calendar Months from the Time of making the same, unless the Chancellor of the said Duchy and County Palatine, upon special Application being made to him for that Purpose, and after hearing Counsel upon the Merits of the Case, shall otherwise direct: Provided nevertheless, that the Vice Chancellor of the said County Palatine shall, at his own Discretion, be at liberty to hear Petitions for Rehearing, and also to rehear any Matters previously decided by him in the Court of the said County Palatine; but any Order made on such Rehearing shall be deemed an original Order, with reference to the Right to appeal therefrom.

Service of Subpœna on Witnesses out of Jurisdiction to be valid to compel Attendance;

XVII. And be it enacted, That the Service of every Writ of Subpœna to attend and give Evidence, or Subpœna duces tecum, hereafter to be issued out of the said County Palatine Court, and served upon any Person out of the Jurisdiction thereof, shall be as valid and effectual for compelling the Attendance of such Person at any Time and Place to be named in such Writ of Subpœna, to be there examined, either before the Registrar of the said Court, as well in his Capacity of Examiner as in that of Master of the said Court, or before Commissioners under any Commission to be issued by the said Court for the Examination of Witnesses, or to be examined *vivâ voce* at the Hearing of any Matter or Suit before the said Court or before the Registrar, or for compelling the Attendance of such Person by virtue of any Writ of Subpœna duces tecum, and shall entitle the Party suing out the same to all the like Remedies, by Action and otherwise, as if the same had been served within the Jurisdiction of the said Court; and in case the Person so served shall not attend according to the Exigency of such Writ, it shall be lawful for the said County Palatine Court, upon Affidavit of the personal Service of such Writ, to transmit a Certificate of such Default, under the Hand of the Registrar of the said Court, to the Court of Queen's Bench in *England*, to the Court of Justiciary in *Scotland*, or to the Court of Queen's Bench in *Ireland*; and the said last-mentioned Courts respectively shall and may thereupon proceed against and punish, by Attachment or otherwise, according to the Course and Practice of the said respective Courts, the Person so having made default, in such and the like Manner as they might have done if such Person had refused or neglected to appear in obedience to a Writ of Subpœna or other Process issued to compel the Attendance of Witnesses out of such last-mentioned Courts respectively.

and the Courts of Queen's Bench in England and Ireland and the Court of Justiciary in Scotland may proceed against and punish Persons making default.

Persons not liable to Action for not attending, unless Expenses be tendered on serving Subpœna.

XVIII. Provided always, and be it enacted, That the said last-mentioned Courts respectively shall not in any Case proceed against or punish any Person, nor shall any such Person be liable to any Action, for having made Default by not appearing in obedience to any Writ of Subpœna or Writ of Subpœna duces tecum or other Process for that Purpose issued under the Authority of this Act, unless it be made to appear to such Courts respectively that a reasonable and sufficient Sum of Money to defray the Expenses of coming and attending to give Evidence, and of returning from giving such Evidence, had been tendered to such Person at the Time when such Writ of Subpœna or Writ of Subpœna duces tecum or other Process was served upon him.

Affidavits sworn before Commissioners or Masters Extraordinary by Persons out of Jurisdiction to be effectual, and Persons forswearing themselves to be guilty of Perjury.

XIX. And be it enacted, That it shall be lawful for any Commissioner for taking Affidavits to be made use of in Causes, Matters, and Things depending in the Court of the Duchy Chamber of *Lancaster* at *Westminster*, or for any Master Extraordinary of the High Court of Chancery, to administer an Oath to or take the Affirmation (where allowed by Law) of any Person out of the Jurisdiction of the said County Palatine Court who shall be desirous of making an Affidavit to be used in any Suit or Matter pending before such last-mentioned Court; and every such Affidavit so sworn or affirmed as aforesaid shall be as valid and effectual for all the Purposes for which the same shall be required as if the same had been sworn or affirmed before the proper Officer of the said County Palatine Court within the Jurisdiction of the Court; and every Person wilfully forswearing himself or making false Affirmation in such Affidavit, and being lawfully convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

Power to Chancellor of the Duchy to appoint a Messenger of the Court.

XX. And be it enacted, That it shall be lawful for the Chancellor of the Duchy and County Palatine of *Lancaster* for the Time being to appoint a fit and proper Person resident within the County Palatine of *Lancaster*, to be and to be called "The Messenger of the "Court of Chancery of the County Palatine of *Lancaster*," to attend upon the said County Palatine

Palatine Court, and to execute the Process thereof; and from Time to Time, upon the Death, Resignation, or Removal of any such Person to appoint a Successor to the said Office; and that the Person so appointed as aforesaid shall hold his Office during the Pleasure of the said Chancellor, and may be removed in a summary Manner, and may and shall receive such Fees for executing the Process of the said Court as the said Chancellor and the Vice Chancellor of the said County Palatine shall from Time to Time, by any General Order to be made in pursuance of the Provisions herein-after contained, authorize and direct.

Keeper of Lancaster Castle to receive Persons arrested and conveyed thither by Messenger, and to produce and deal with them as Court shall direct.

XXI. And be it enacted, That the Gaoler or Keeper for the Time being of Her Majesty's Gaol at *Lancaster* called *Lancaster Castle* is hereby authorized and required to receive into his Custody in such Gaol every Person arrested and conveyed thither by such Messenger as aforesaid, by virtue of any Writ, Warrant, or other Process issuing out of the said County Palatine Court, and to produce and deal with such Person as the said Court shall from Time to Time direct; and every such Person as aforesaid shall be maintained and provided for in the same Manner as if he had been arrested and brought to such Gaol by virtue of any Writ, Warrant, Order, or other Process issued out of the Court of Common Pleas of the said County Palatine, or any of the Superior Courts of Law or Equity at *Westminster*, or committed for Contempt of any of the said last-mentioned Courts; and all the Expenses of maintaining and providing for every Person so arrested or committed to the said Gaol as aforesaid shall be defrayed out of such Portion of the County Rate of the said County Palatine as for the Time being shall be applicable to the Support of the Debtors confined in the said Gaol.

After Appointment of Messenger, Duties of Messenger of Duchy to cease.

XXII. And be it enacted, That from and after the Appointment of such Messenger as aforesaid all and singular the Powers, Authorities, and Duties of the Messenger for the Time being of the Duchy of *Lancaster*, and of any Deputy appointed by him, shall absolutely cease and determine within the Limits of the said County Palatine.

Jurisdiction of County Palatine Court over Persons of unsound Mind abolished, except as to Cases of Persons found insane before the Commencement of this Act.

XXIII. 'And whereas it is expedient that the Jurisdiction of the said County Palatine 'Court in Cases of Lunacy should be abolished:' Be it therefore enacted, That from and after the passing of this Act all the Power, Authority, and Jurisdiction of the said County Palatine Court over the Persons and Estates of Idiots and Lunatics within the Limits of the said County Palatine shall cease and determine, except as to the Cases of those Persons who shall at the Time of the Commencement of this Act have been found to be of unsound Mind under or by virtue of any Commission issuing from the said County Palatine Court, in all which last-mentioned Cases the Authority and Jurisdiction of the said Court of the County Palatine shall continue in as full Force and Effect as if this Act had not been passed, anything herein contained to the contrary notwithstanding.

Certain Provisions of 1 & 2 Vict. c. 110. as to Decrees and Orders in Equity to apply to County Palatine Court.

XXIV. 'And for removing all Doubts in respect of the Effect of an Act passed in the 'Second Year of the Reign of Her present Majesty, intituled *An Act for abolishing Arrest 'on Mesne Process in Civil Actions, except in certain Cases, for extending the Remedies of 'Creditors against the Property of Debtors, and for amending the Laws for the Relief of 'Insolvent Debtors in* England, whereby it was enacted, that all Decrees and Orders 'of Courts of Equity whereby any Sum of Money, or any Costs, Charges, or Expenses, 'should be payable to any Person, should have the Effect of Judgments in the Superior 'Courts of Common Law, and the Persons to whom any such Monies, or Costs, Charges, or 'Expenses, should be payable were to be deemed Judgment Creditors within the Meaning of 'the said Act, and all Powers thereby given to the Judges of the Superior Courts of Common 'Law with respect to Matters depending in the same Courts should and might be exercised 'by Courts of Equity with respect to Matters therein depending, and all Remedies thereby 'given to Judgment Creditors were in like Manner given to Persons to whom any Monies, 'or Costs, Charges, or Expenses, were by such Orders or Rules respectively directed to be 'paid, and also as to the Effect of the several Acts passed in the Sessions of Parliament 'held in the Second and Third Years and in the Third and Fourth Years of the Reign of 'Her Majesty amending the said recited Act,' be it declared and enacted, That all the Remedies, Authorities, and Provisions of the recited Act, so amended as aforesaid, and of the said Acts amending the same, applicable to Her Majesty's Superior Courts of Common Law at *Westminster*, and the Judgments and Proceedings therein, do extend and are applicable

cable to the Court of Chancery of the County Palatine of *Lancaster* within the Limits of the Jurisdiction thereof, and shall have the same Effect in all respects as the Judgments of any of Her Majesty's said Superior Courts at *Westminster* under and by virtue of the said recited Act, amended as aforesaid; and all Powers and Authorities thereby given to the Judges or any Judge of Her Majesty's Superior Courts at *Westminster*, with respect to Matters depending in the same Courts, shall and may be exercised by the Chancellor of the said Duchy or Vice Chancellor of the said Court of the County Palatine with respect to Matters therein depending and within the Jurisdiction thereof: Provided always, that no Decree or Order of the said last-mentioned Court shall by virtue of the said recited Act or this Act affect any Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until a Memorandum or Minute, containing the Name, and the usual or the last known Place of Abode, and the Title, Trade, or Profession, of the Person whose Estate is intended to be affected thereby, and the Name of the Court, and the Title of the Cause or Matter in which such Decree or Order shall have been made, and the Date of such Decree or Order, and the Amount of the Sum of Money, Costs, Charges, or Expenses thereby made payable, shall be left with the Prothonotary or Deputy Prothonotary of Her Majesty's Court of Common Pleas at *Lancaster*, or some other Officer to be appointed for that Purpose by the said Court, who shall forthwith enter the same Particulars in a Book in alphabetical Order, by the Name of the Person whose Estate is to be affected thereby; and such Officer shall be entitled for every such Entry to the Sum of Two Shillings and Sixpence; and all Persons shall be at liberty to search the same Book, on Payment of the Sum of One Shilling.

No Decree or Order of Court to affect any Lands, &c. until the Particulars shall have been left with the Prothonotary, and entered in a Book.

Fees payable for such Entry.

Power for Chancellor of Duchy to abolish Office of Clerk in Court, and admit all Attornies and Solicitors to practise in the Court of Chancery of the County Palatine.

XXV. And be it enacted, That it shall be lawful for the Chancellor of the Duchy and County Palatine of *Lancaster* (if he shall think fit), by an Order under his Hand, to direct that all Attornies and Solicitors of any of the Superior Courts of Law or Equity at *Westminster*, and all Attornies of the Court of Common Pleas at *Lancaster*, on being registered as by this Act provided, may appear and prosecute or defend any Suit or Proceedings in the Court of Chancery of the said County Palatine, and that the Office and Privileges of the Clerks in Court of the said Court shall cease and determine accordingly; and thereupon the said Chancellor, with the Advice and Consent of the Vice Chancellor of the Court of Chancery of the County Palatine, shall and he is hereby empowered to make all such Orders as may be necessary or proper in respect of or consequent on the Abolition of the said Office.

Power to grant Compensation to Clerks in Court for Losses occasioned by Abolition of Office.

XXVI. Provided always, and be it enacted, That in case the Chancellor of the said Duchy and County Palatine shall make such Order as aforesaid for the Determination of the Office of Clerks in Court, it shall be lawful for the said Chancellor and he is hereby required, at any Time within Six Calendar Months after the Date of such Order, to receive any Claims which may be made for Compensation by any Person holding that Office at the Time of such Order, in respect of Loss occasioned by the Abolition of the Office, and to award and determine the Amount, if any, of Compensation proper to be allowed to such Claimant, either in a gross Sum or by way of Annuity for Life, having regard to the Loss sustained, and the Conditions on which any such Clerk in Court may have been appointed to his Office, and to any Notice which may have been given to him that the same was to be held subject to the Abolition or Regulation thereof; and for the Purposes aforesaid the said Chancellor shall have full Power to examine the said Clerks in Court or any other Persons upon Oath, and to compel the Attendance of all such Persons, and the Production of all necessary Books, Papers, and Accounts and Documents; and the said Chancellor shall, after such Inquiry, certify under his Hand the Amount of Compensation proper to be paid to every such Clerk in Court as aforesaid.

Admission Fee to be paid by Solicitors desirous of practising in Court of Chancery of the County Palatine.

XXVII. And be it enacted, That in case of the Abolition of the said Clerks in Court, every Attorney or Solicitor desirous of practising in the Court of Chancery of the said County Palatine shall enter or cause to be entered his Name and Address with the Registrar of the said Court; and that, until all Compensation to be awarded to the Clerks in Court or any of them shall have been paid and satisfied, such Sum, not exceeding Five Pounds, as the Chancellor of the said Duchy and County Palatine shall, by any General Order to be inserted in

in the Table of Fees, from Time to Time direct, shall be paid by or on behalf of every such Attorney or Solicitor to the Registrar, before his Name shall be entered with the said Registrar; and the Monies so paid shall be paid by the Registrar into Court to an Account to be entitled the "Fee Fund Account;" and further, that until all Monies awarded as Compensation to the said Clerks in Court or any of them shall have been paid and satisfied, it shall be lawful for the Chancellor of the Duchy and County Palatine of *Lancaster* to direct that the Fees, or such Portions as he shall think proper of any of the Fees to be allowed by such Table of Fees as in this Act is directed to be kept, shall be paid to the Registrar, to be by him paid into Court to the Account of the said Fee Fund.

Application of Fees.

XXVIII. And be it enacted, That the Compensation to be awarded to the said Clerks in Court or any of them shall be paid from Time to Time out of the Fee Fund; and if the same be insufficient, then out of the general Revenues of the said Duchy, as the said Chancellor of the said Duchy and County Palatine shall by Warrant or Order under his Hand from Time to Time direct; but in case of their being paid out of the Revenues of the said Duchy, the same shall be repaid to the Receiver General of the said Duchy out of the Fee Fund, as the said Chancellor shall from Time to Time by Order under his Hand direct; and the Payments directed to be made to the said Fee Fund shall continue until such Repayment, and all other Repayments directed to be made by this Act out of the same, shall have been made.

Payment of Compensation out of Fee Fund, or, in case of Deficiency, out of Revenues of the Duchy, to be repaid out of Fee Fund.

XXIX. And be it enacted, That if the Chancellor of the Duchy and County Palatine of *Lancaster* for the Time being shall at any Time think fit to direct, by Warrant under his Hand, that a fixed Salary shall be paid to the Registrar of the Court of Chancery of the said County Palatine, in lieu of Fees, then and thenceforth there shall be paid and payable out of the said Fee Fund, or if the same be not sufficient for that Purpose, then by the Receiver General for the Time being of the Duchy of *Lancaster*, out of the Revenues of the said Duchy, as and for the Salary to the Registrar for the Time being of the said Court of the County Palatine, such annual Sum as the Chancellor for the Time being of the said Duchy and County Palatine shall from Time to Time, by Warrant under his Hand, authorize and direct; and such Salary shall grow due from Day to Day, but shall be payable on such Days as the said Chancellor shall by such Warrant as aforesaid direct, and shall be paid to the Person entitled thereto, or his Executors or Administrators, free from all Deductions out of the same, except the Tax on Income; and all Payments made out of the Revenues of the said Duchy shall be repaid out of the said Fee Fund.

Power to the Chancellor of the Duchy to direct that the Registrar be paid by Salary.

XXX. And be it enacted, That in the event of such fixed Salary being awarded, the said Registrar for the Time being shall once in every Year, or oftener, if required by the Chancellor of the said Duchy, on such Day as shall be appointed for that Purpose by the Vice Chancellor of the said County Palatine, make out a full and true Account of all Fees received by him by virtue of his Appointment during the preceding Year, or subsequent to his last Account, and shall have such Account audited by the Vice Chancellor, who is hereby required to audit the same, and if found correct to allow the same by putting his Signature thereto and to a Duplicate Copy thereof; and that in such Account and Audit there may and shall be charged and allowed such Sums of Money as to the said Vice Chancellor shall seem reasonable for the Rent, Taxes, and cleaning of the Offices where the Business of the County Palatine Court is transacted, for providing the said Offices with Coals, Candles, and other necessary Articles, and for the Books and Stationery supplied by such Registrar for carrying on the Business of the said Offices, and for Salaries of Clerks, Expenses of Journeys, Postages, and Carriage of Parcels, and all other incidental and necessary Expenses.

Registrar to make out an Account of all Fees received by him, and have the same audited by the Vice Chancellor.

XXXI. And be it enacted, That the said Registrar shall within Ten Days after every such Account shall be so audited as aforesaid transmit the Duplicate Copy of such Account, signed by the Vice Chancellor as before directed, to the Auditor for the Time being of the Duchy of *Lancaster*.

Duplicate of Account to be transmitted to Auditor of Duchy.

Registrar to pay Fees to Account of Duchy Fee Fund and to give Security to account for all Fees and Suitors Money received by him.

XXXII. And be it enacted, That the said Registrar shall from Time to Time, when he shall transmit the Duplicate Copy of the said Account of Fees to the Auditor for the Time being of the said Duchy of *Lancaster*, as before directed, at the same Time pay into Court to the "Fee Fund Account" the total Amount of Fees which by such Account shall appear to be due from the said Registrar; and the said Chancellor of the Duchy and County Palatine of *Lancaster* in such Case may and is hereby authorized and empowered to take from the Registrar for the Time being of the said County Palatine Court such Security, by Bond, Recognizance, or otherwise, as to the said Chancellor shall seem fit, binding such Registrar, together with One or more sufficient Surety or Sureties, in such penal Sum or penal Sums as to the said Chancellor shall seem meet, for the due accounting for all Fees and for all Sums of Money which shall be received by such Registrar by virtue of his Appointment, or under any Order of the said County Palatine Court respectively in any Matter or Suit pending in the said Court.

Power for Chancellor to appoint District or Deputy Registrars.

XXXIII. And be it enacted, That it shall be lawful for the said Chancellor of the Duchy and County Palatine of *Lancaster*, after he shall have directed a fixed Salary to be paid to the Registrar as aforesaid, from Time to Time to appoint, by Writing under his Hand, such competent Persons as he shall think fit to act either as District or as Deputy Registrars of the said Court of Chancery of the said County Palatine during the Pleasure of the Chancellor for the Time being of the said Duchy and County Palatine, and to assign to any District Registrar a District; and such District Registrars within their Districts, and such Deputy Registrars, shall and may have and exercise all such Powers and Authorities in respect of any Matters referred to them by the said Court by any General or Special Order as might be exercised by the Registrar; and the Fees, or Salary payable out of Fees, payable to every such District or Deputy Registrar shall be such as the Chancellor of the said Duchy and County Palatine, with the Advice and Consent of the Vice Chancellor of the County Palatine, shall direct, and shall be included in the Table of Fees hereby directed to be kept; and the Acts of such District or Deputy Registrars in respect of all Matters referred to them by the said Court shall be as valid and effectual, and subject to Revision, in the same Manner as if they were performed by the Registrar of the Court.

Registrars not to practise as Solicitors in the Court.

XXXIV. Provided always, and be it enacted, That it shall not be lawful for any Registrar, District or Deputy Registrar, of the said Court, during the Time he shall hold and exercise the Office of Registrar, District or Deputy Registrar, of the said Court, either directly or indirectly, by himself, his Partner, Clerk, or other Person, to practise in the said Court of Chancery of the County Palatine, either as Solicitor originally retained for any Party in any Matter pending in the said Court, or as Agent for any other Attorney or Solicitor practising in the said Court, nor participate in any Fees payable to any Attorney or Solicitor so practising; and that any Registrar, District or Deputy Registrar, being proved to the Satisfaction of the said Court for the Time being to have so practised, or to have participated in any Fees as aforesaid, contrary to the Meaning and Intent of this Act, shall be deemed to have committed a Contempt of Court, and shall be liable to Dismissal from his Office, or to the Payment of such Fine, or liable to such other Punishment, as to the said Court for the Time being shall seem fit.

Court to have Jurisdiction as to Costs, but Orders to be subject to Appeal.

XXXV. And be it enacted, That in all Proceedings under and by virtue of this Act there shall be the same Jurisdiction as to Costs vested in the said Court of the County Palatine as such Court could exercise in any other Cause or Matter; and the Orders of the said Court made in pursuance of this Act shall be subject to Appeal in the same Manner in all respects as any other Orders of the Court.

Interpretation of Terms.

XXXVI. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) "the said County Palatine Court" shall mean the Court of Chancery of the County Palatine of *Lancaster*; Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number; and Words importing the Masculine Gender only shall include Females as well as Males; and Words importing Individuals shall include Bodies Corporate.

XXXVII. And

XXXVII. And be it enacted, That this Act shall commence and take effect on the First Day of *November* One thousand eight hundred and fifty. Commencement of Act.

XXXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Act may be amended, &c.

CAP. XLIV.

An Act for taking an Account of the Population of *Ireland*. [29th *July* 1850.]

'WHEREAS it is expedient that an Account of the Population of *Ireland* be taken:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That such Account be taken at the Time and in the Manner herein-after directed. Account of Population to be taken.

II. And be it enacted, That such Officers and Men of the Police Force of *Dublin* Metropolis, and of the Constabulary Force, as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall direct, together with such other competent Persons as the said Lord Lieutenant or other Chief Governor or Governors shall appoint to assist therein, shall, upon the Thirty-first Day of *March* and One or more next consecutive Days in the Year One thousand eight hundred and fifty-one, as the said Lord Lieutenant or other Chief Governor or Governors shall fix, severally visit every House within such Districts as may be assigned to them respectively, and take an Account in Writing, according to such Instructions as may be given to them by the Chief or Under Secretary to the said Lord Lieutenant or other Chief Governor or Governors, of the Number of Persons dwelling therein, and of the Sex, Age, and Occupation of all such Persons, distinguishing the Persons born in the Place or Parish and County in which they shall be then dwelling; and shall also take an Account of the Number of inhabited Houses and of uninhabited Houses, and of Houses then building within such Districts respectively; and shall also distinguish those Parishes and Places, or Parts of Parishes and Places, within each District respectively, which are within the Limits of any City or Borough returning a Member or Members to serve in Parliament; and shall also take an Account of all such further Particulars as by such Instructions they may be directed to inquire into, such Particulars and Instructions having no Reference to the Religion of any Person or Persons. By whom the Account shall be taken.

III. And be it enacted, That the Master or Keeper of every Gaol, Prison, or House of Correction, Workhouse, Hospital, or Lunatic Asylum, and every Barrack Master, and every Master or Keeper of every public or charitable Institution which shall be determined upon by the said Lord Lieutenant or other Chief Governor or Governors, shall act as the Enumerator of the Inmates thereof, and shall be bound to conform to such Instructions as shall be sent to him by the Authority of the said Lord Lieutenant or other Chief Governor or Governors for obtaining the Returns required by this Act, so far as may be practicable with respect to such Inmates. Masters, &c. of Gaols, &c. to be appointed Enumerators of the Inmates thereof.

IV. And for the more effectual obtaining of such Accounts, be it enacted, That the said Chief or Under Secretary shall prepare and cause to be printed such Forms and Instructions for the Use of the several Persons who shall be appointed as aforesaid to take or certify the said Accounts as he shall deem necessary. Forms, &c. to be furnished for their Use.

V. And be it enacted, That the better to enable such Persons to take the said Accounts they are hereby authorized and empowered to ask all such Questions of all Persons within their respective Districts, respecting themselves or the Persons constituting their respective Families, and of all such further Particulars as shall be directed by their said Instructions, or shall be necessary for the Purpose of taking the said Accounts. Power to make the Inquiry.